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Special Counsel to Richard A. Marshack
Chapter 11 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re
THE LITIGATION PRACTICE GROUP P.C.,
Debtor.

Case No. 8:23-bk-10571-SC

Chapter 11

**STIPULATION BETWEEN CHAPTER
11 TRUSTEE AND MORNING LAW
GROUP, P.C. REGARDING PAYMENT
OF MONITOR'S FEES**

[No Hearing Required Pursuant to Local
Bankruptcy Rule 9013-1(o)]

**TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY
JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED
PARTIES:**

This Stipulation ("Stipulation") is entered into by and between Richard A. Marshack, in his capacity as Chapter 11 Trustee ("Trustee") of the Bankruptcy Estate ("Estate") of The Litigation Practice Group P.C. ("LPG" or "Debtor"), and Morning Law Group, P.C. ("MLG") (the Trustee and MLG are collectively referred to as the "Parties"), with regard to the following:

RECITALS

A. On March 20, 2023, the Debtor filed a voluntary petition under Chapter 11 of Title 11 of the United States Code, commencing this bankruptcy case.

B. On May 8, 2023, Richard A. Marshack was appointed as the Chapter 11 Trustee of the Estate. Docket No. 65.

C. On July 22, 2023, the Court entered its order approving Trustee's sale and assignment of Debtor's legal services agreements with consumer clients to MLG. Docket No. 320.

D. On August 4, 2023, the sale closed ("Closing Date").

E. On August 7, 2023, the Court entered its order appointing Nancy Rapoport as Ethics Compliance Monitor ("Monitor"). Docket No. 363.

F. The Asset Purchase Agreement ("APA") attached to the Sale Order states that the fees and expenses of the Monitor shall be paid by the Estate, up to the first \$100,000.00 (the "Initial Coverage"), and additional fees and expenses of the Monitor shall be paid by MLG, up to \$100,000.00; and that subsequent fees over that amount shall be pursued by the Monitor, from funds of the Estate after consideration and approval by the Bankruptcy Court.

G. In paragraph 6 of the Declaration of Nancy Rapoport in Support of Motion of Trustee Richard A. Marshack For Entry of an Order (A) Approving Sale of Assets Free and Clear of all Liens, Claims, Encumbrances and Interests Pursuant to 11 U.S.C. § 363(B) And (B) Approving Assumption and Assignment of Certain Executory Contracts and Unexpired Leases and Other Agreements [Docket No. 283], Monitor stated, "My current hourly rate is \$975.00 per hour, adjusted each January. Moreover, pursuant to my employment arrangement with UNLV, the Estate will have to remit to "UNLV Foundation-Boyd Law" \$250.00 per month for any inadvertent use of state resources. I have a minimum monthly fee of \$5,000.00."

H. Monitor has submitted a Monthly Fee Statement for the period of July 25, 2023, through July 31, 2023, seeking payment for pre-appointment fees and expenses in an amount of \$1,170.00 in fees and \$250.00 in expenses ("July Fee Statement"). Docket No. 524.

I. Monitor has submitted a Monthly Fee Statement for the period of August 1, 2023, through August 31, 2023, seeking payment for the \$5,000.00 minimum monthly fee and \$352.00 in

expenses (“August Fee Statement”). Docket No. 525.

J. Monitor has submitted a Monthly Fee Statement for the period of September 1, 2023, through September 30, 2023, seeking payment for an amount of \$5,443.75 in fees and \$387.00 in expenses (“September Fee Statement”). Docket No. 567.

K. Monitor has not yet submitted a Monthly Fee Statement for the period of October 1, 2023 through October 31, 2023, but it is anticipated that this invoice will be timely submitted and the parties request that it be paid as well.

WHEREFORE, the Parties stipulate, agree and request that the Court enter an Order as follows:

STIPULATION

1. The Parties hereby agree that MLG will advance the first four monthly payments owed by the Estate to the Monitor as part of the Monitor's Initial Coverage fees, which will include payment to satisfy the July Fee Statement, August Fee Statement, September Fee Statement, and payment for the pay period of October 1, 2023 through October 31, 2023, once submitted by Monitor.

2. The Parties hereby agree that MLG's advancement of the Monitor's Initial Coverage fees as set forth in ¶ 1, on behalf of the Estate, will be applied as a credit to the overall balance of the purchase price owed by MLG to the Estate pursuant to the APA.

3. The Parties hereby agree that the Estate will resume payment of the Monitor's Initial Coverage fees beginning November 1, 2023, and continuing thereafter.

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1 4. This Stipulation may be executed in one or more counterparts, and facsimile or
2 electronic signatures may be used in filing this document with the Court.

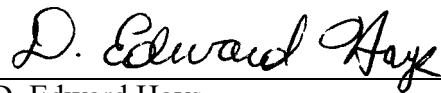
3
4 DATED: ~~October~~ 11/5, 2023

DANNING, GILL, ISRAEL & KRASNOFF, LLP

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6 By: 
7 Zev Shechtman
8 Aaron E. De Leest
Attorneys for Morning Law Group, P.C.

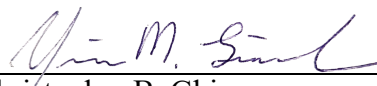
9 DATED: October 31, 2023

MARSHACK HAYS LLP

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11 By: 
12 D. Edward Hays
13 Laila Masud
Bradford N. Barnhardt
Attorneys For Chapter 11 Trustee,
Richard A. Marshack

14 DATED: October 31, 2023

DINSMORE & SHOHL LLP

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16 By: 
17 Christopher B. Ghio
18 Christopher Celentino
Yosina M. Lissebeck
Special Counsel for Chapter 11 Trustee,
Richard A. Marshack

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
655 W. Broadway, Suite 800, San Diego, California 92101

A true and correct copy of the foregoing document entitled: **STIPULATION BETWEEN CHAPTER 11 TRUSTEE AND MORNING LAW GROUP, P.C. REGARDING PAYMENT OF MONITOR'S FEES**

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On November 6, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On November 6, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on November 6, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JUDGE'S COPY - VIA FEDEX

The Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 6, 2023
Date

Caron Burke
Printed Name

/s/ Caron Burke
Signature

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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